

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
NEWNAN DIVISION

L. ROCHELLE BANKHEAD,

Plaintiff,

v.

AMAZON.COM, INC., et al.,

Defendants.

CIVIL ACTION FILE

NO. 3:24-cv-167-TCB

**ORDER**

This case comes before the Court for a frivolity determination of Plaintiff L. Rochelle Bankhead's complaint [3] under 28 U.S.C. § 1915(e)(2).

Under § 1915(e)(2), an in forma pauperis complaint must be dismissed if the action "(i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief." A claim is frivolous "where it lacks an arguable basis either in law or fact." *Neitzke*

*v. Williams*, 490 U.S. 319, 325 (1989). A complaint may be dismissed for failure to state a claim upon which relief can be granted if it does not plead “enough facts to state a claim to relief that is plausible on its face.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 547 (2007).

Bankhead brings this action following an alleged data breach of her Amazon account. The Court has reviewed the complaint [3] and finds that dismissal pursuant to § 1915(e)(2) is not warranted at this juncture. However, nothing in this order prevents Defendants from moving for dismissal after they appear in the case if they believe such a motion is appropriate.

The Clerk is directed to send Bankhead a USM 285 form and summons for Defendants. Bankhead is directed to complete and return to the Clerk of Court the USM 285 form and summons for each Defendant within twenty days from the date this Order is docketed. Bankhead is warned that failure to comply in a timely manner could result in dismissal of this action.

Upon receipt of the forms, the Clerk is directed to prepare a service-waiver package for each Defendant. The package must include

two notices of lawsuit and request for waiver of service summons (to be prepared by the Clerk), two waiver of service of summons forms (to be prepared by the Clerk), an envelope addressed to the clerk with adequate first-class postage for each Defendant's use in returning the waiver form, one copy of the complaint, and one copy of this Order. The Clerk shall retain the USM 285 form and the summons.

Upon completion of the service-waiver packages, the Clerk is directed to complete the lower portion of the notice of lawsuit and request for waiver form and to mail the service-waiver package to each Defendant, who has a duty to avoid unnecessary costs of serving the summons. If any Defendant fails to comply with the request for waiver of service, it must bear the costs of personal service unless good cause can be shown for failure to return the waiver of service form.

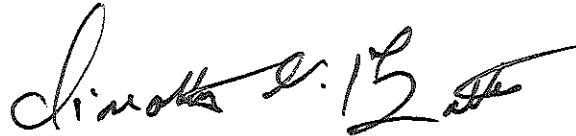
In the event a Defendant does not return the waiver of service form to the Clerk of Court within thirty-five days following the date the service waiver package was mailed, the Clerk is directed to prepare and transmit to the U.S. Marshal's Service a service package for it. The service package must include the USM 285 form, the summons, and one

copy of the complaint. Upon receipt of the service package, the U.S. Marshal's Service is directed to personally serve each Defendant. The executed waiver form or the completed USM 285 form shall be filed with the Clerk.

Bankhead is directed to serve upon each Defendant or its counsel a copy of every additional pleading or other document which is filed with the Clerk of the Court. Each pleading or other document filed with the Clerk shall include a certificate stating the date on which an accurate copy of that paper was mailed to each Defendant or its counsel. This Court shall disregard any submitted papers that have not been properly filed with the Clerk or that do not include a certificate of service.

Bankhead is also required to keep the Court and Defendants advised of her current address at all times during the pendency of this action. The failure to do so may result in the dismissal of this action. This case shall proceed on a four-month discovery track.

IT IS SO ORDERED this 20th day of November, 2024.

A handwritten signature in black ink, appearing to read "Timothy C. Batten, Sr.", with a stylized flourish at the end.

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Timothy C. Batten, Sr.  
Chief United States District Judge